

leadership on these efforts, as well as Senator CORNYN and Representative SHEILA JACKSON LEE, for their work to get this over the finish line. When it passed last night, we had over 60 bipartisan cosponsors, and I am grateful to all of them and all of you for your support.

So commemorating Juneteenth as a Federal holiday is an encouraging and meaningful step, but we have so much farther to go on the path toward justice. Let's use this victory to build momentum for the systemic change that we need—protecting voting rights and safeguarding our democracy, passing meaningful policing and criminal justice reform, pursuing economic and environmental justice, and working toward a more just and equitable world.

There will be plenty of times when this path seems impossibly long because the scale of the injustice is overwhelming. But when this happens, I will be thinking of Ms. Opal Lee, of her long walk to Washington, DC, and the joy in her voice when she heard the news that the Senate had taken one more step toward her dream of Juneteenth. May we all draw inspiration and strength from her example.

I am proud to walk this path with you, Ms. Lee, and with all of you. Let's keep this going.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

#### NOMINATION OF RADHIKA FOX

Mrs. CAPITO. Mr. President, I rise today to oppose the nomination of Radhika Fox to be Assistant Administrator for Water at the EPA. I certainly appreciate her willingness to serve, and I have found her to be quite personable and friendly. So this is not a personal statement.

But even though she is not yet confirmed, she is already in place as the lead political appointee in the Water Office of the EPA. In that capacity, her recent announcement of overreaching regulatory proposals under the Clean Water Act cemented my opposition to her nomination.

Ms. Fox's position on the appropriate scope of the Clean Water Act was not clear last month when I voted on her nomination in the EPA committee, of which I am the ranking member. At that markup in May, I noted that I could not support Ms. Fox at that time because she would not commit to maintaining the navigable waters protection rule issued in 2020. As I noted at the time, she would also not state that the 2015 waters of the United States rule was overreaching. So I really couldn't pin her down on any opinion on this very important rule.

I now know why she would not commit to maintaining the navigable waters protection rule when she testified before the committee and avoided providing direct responses in her written responses to my followup questions. The administration did not support the rule and, apparently, the EPA opposed it completely.

Last week, Ms. Fox and EPA Administrator Regan, as well as the U.S. Army Corps of Engineers, announced their plans to repeal and replace the rule in its entirety. EPA and the Corps of Engineers are going to completely rewrite the regulations that determine whether a business, a farm, or a citizen needs to obtain a Federal water permit. The Federal Agencies announced that they had decided they are not going to keep any part of that rule and that they are going to start from scratch.

That was at odds with what Ms. Fox conveyed to me in a phone call that she did make the previous day to inform me they were going to be making an announcement. She was just very incomplete, and it was extremely disappointing to me and to the many States and businesses that support the navigable waters protection rule, which—unlike the 2015 waters of the United States rule it replaced—is the law presently. The navigable waters protection rule is the law of the land in all 50 States. That made it clear when Federal permits would be needed, and it gave States more control over how to permit water bodies in their borders.

Throughout her nomination process, when I asked Ms. Fox about the administration's plans, she expressed a desire to hear from stakeholders in order to create a “durable” rule. Ms. Fox did not conduct any formal public stakeholder process before announcing the decision that was made to repeal the navigable waters protection rule.

The administration has said it plans to repeal the rule and then put in place guidance from the 1980s while we wait and while they come up with a replacement. Changing the regulations three times in a short period of time—2015, 2020, and now 2021—simply does not meet her commitment to develop a “durable” definition.

Instead, ever-changing rules create a game of regulatory ping-pong across administrations. These are big far-reaching rules. That permitting uncertainty hurts our economy at a time when we need growth, and it does so without additional environmental protection in my home State.

We often forget that the Clean Water Act allows States to regulate their waters as much as they like. The definition of “waters of the United States” only determines Federal jurisdiction. In fact, that is the keystone of the Clean Water Act.

The administration's promises of transparency and creating regulatory certainty simply are not reflected in these actions, and their goals, stated to a briefing of congressional offices during a briefing call, are particularly troubling. They pointed to the prior converted cropland exemption and treatment of ditches under the current rule as “implementation challenges” that they want to address.

It doesn't take much to understand what that means. The administration intends to require more Federal permits for prior converted cropland and

ditches on private land. That is a gross overreach of the Federal Government's authority under the Clean Water Act, and it is questionable whether the EPA and the Army Corps of Engineers could even vet the sheer volume of permit applications that would come their way.

I encourage Ms. Fox to engage with stakeholders from agriculture to mining, to construction, to home building before issuing the official proposal to repeal the navigable waters protection rule, and I urge Ms. Fox to make that engagement meaningful. Simply checking the box that these stakeholders have had the opportunity to talk to members of the administration is not meaningful engagement.

If officials of the administration truly engaged in a transparent process where they took stakeholder feedback into account, they would learn that the best way to provide regulatory certainty is to keep that navigable waters protection rule in place. I cannot support Ms. Fox's decision to undo such a foundational rule without any public engagement and to do so in a way that appears to be more expansive than the overreaching Obama rule called the “waters of the United States rule.”

So I urge my colleagues to vote against Ms. Fox's nomination on the basis of what she has already done and in most probability will do in the future surrounding this very, very important topic.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

#### NUCLEAR ENERGY

Mr. KENNEDY. Mr. President, I want to talk for a few minutes about nuclear energy. President Biden, of course, as we both are aware, has called climate change the “existential threat.” He says it is the “number one issue facing humanity today.” Secretary Kerry, who, as we know, is President Biden's climate envoy, has said that climate change is a “life and death” issue. President Biden's National Climate Advisor, the Honorable Gina McCarthy, believes that saving the environment is the “fight of our lifetimes.”

If you ask many Members of Congress, not all of them—I don't want to paint with too broad a brush—but if you ask many Members of Congress what they think the solution to our environmental issues is, they will probably respond: renewable energy. But if we are really worried about the climate—and I know we all are; we all want clean air, and we all want bright water—I suggest that we also embrace nuclear energy. Nuclear energy is not only safe, but it is clean and, frankly, it can produce more power than renewables.

Nuclear energy, as you know, creates little or no carbon emissions. Let me say that again. A lot of people don't realize it. Nuclear energy creates little or no carbon emissions. It also creates very little waste—an extraordinarily small amount of waste. All the nuclear waste that America's commercial nuclear industry has ever produced—ever,

in the history of ever—can fit into a single football field to a depth of fewer than 10 yards. Now, you compare that with solar panels, for example—solar panels create 300 times more toxic waste than nuclear plants in order to yield the same exact amount of energy—or compare the waste from nuclear power production with wind turbine blades. Wind turbine blades are very hard to recycle, and they usually end up in landfills.

These facts are underreported, but the fact is that solar and wind power do have their own harmful impacts on our environment. There is no free lunch, as you know, and you don't get one now. There are pros and cons of everything.

Solar and wind can't hold a candle to nuclear power when it comes to efficiency. That is just a fact. It takes more than 3 million solar panels or more than 430 wind turbines to produce the same amount of energy as the average nuclear plant. Let me say that again—3 million solar panels, 430 wind turbines to produce the same amount of energy as the average nuclear powerplant. And these numbers do not take into account that solar panels, as we know, are useless when the Sun doesn't shine, and wind turbines are nothing more than expensive paper waste when the wind doesn't blow.

Also underreported, in my judgment, is how safe nuclear energy is. Despite what some people may think, Homer Simpson does not run America's nuclear powerplants. The industry is constantly evolving to make nuclear powerplants safer, to make them more efficient. In fact, we have all read a lot about small modular reactors. I will just use that as an example. These small modular reactors are part of a very promising new generation of advanced reactors that can automatically—automatically—prevent overheating. And, frankly, they produce even less nuclear waste.

Now, I want to be clear. I still believe in fossil fuels. I am an "all of the above" energy advocate, but leading that pack is fossil fuels.

America's economy is the largest in all of human history, and it can't run without oil and gas. Louisianans know this, and most Americans know this. The people of Louisiana serve our country pretty well by contributing to our energy independence, and I am very proud of that.

Last year, Louisiana supplied 9 percent—9 percent—of America's marketed gas. And Louisianans understand, as do, I think, most Americans, that giving up on fossil fuels would not only destroy jobs; it would ruin the economy.

But I want America to use every advantage that it has. I want America to use every energy tool at its disposal. Now, that is why nuclear energy—I see nuclear energy as supporting oil and gas, not replacing it. I want to be clear about that, as supporting oil and gas, not replacing it.

Since nuclear energy holds such promise—and it does—I am hoping that my Democratic friends in Congress and my Republican friends in Congress—because I see this as a bipartisan issue—will lend their full-throated support to nuclear energy.

I am not saying that renewables don't have their proper place in America's energy policy—they certainly do—and I am not saying we should get rid of them—I am certainly not—but we need to acknowledge that renewables have limitations. They have limitations, and nuclear energy does not. There are disadvantages to renewables. As I said, there is no free lunch, and you don't get one now.

Now, for some people, that is a lesson that needs to be repeated. I take note. I say this gently, but the Democratic Party platform, for example, calls for installing 500 million solar panels—500 million solar panels—and 60,000 wind turbines over the next 5 years. This will occupy a lot more land and actually create less energy than building new nuclear reactors. And that is a fact.

Some small modular nuclear reactors are roughly twice the length of the average schoolbus—twice the length of an average schoolbus. Wind farms, on the other hand, can eat up more than 19 square miles. That is about half the size of Disney World—half the size of Disney World, compared to twice the length of the average schoolbus. If we succeed in blanketing our land with solar panels and wind farms, it is going to create more waste, occupy more green space, and ultimately weaken our economy.

Again, I am not saying no to solar and wind. I am not at all. I am saying yes to explore the possibilities of nuclear energy.

President Biden, as we know, has a \$2 trillion infrastructure plan. And I think, if nothing else, his infrastructure plan establishes the Biden administration's priorities. His plan does call for \$61 billion in initiatives that include investments in advanced nuclear technology. I am not sure I agree on the amount, but I like the concept, and I find that to be prudent. But it also asks for three times that amount—\$174 billion—to support electric vehicles, electric cars. I suggest that nuclear energy has more place in energy's future, and it is something that we ought to talk about.

Other spending bonanzas in President Biden's plan include a \$213 billion investment to give 2 million buildings a Green New Deal makeover and \$100 billion to make our schools greener. These are not going to have a more meaningful impact on our environment than exploring nuclear energy. They are just not.

I know that nuclear energy sounds too good to be true, and I don't want to oversimplify the circumstances. Nuclear energy has its drawbacks, but nuclear energy is powerful. Nuclear energy is safe. Nuclear energy is clean.

And by building up our nuclear power capabilities, the United States can create more jobs; the United States can strengthen its economy; and the United States can ensure its place as a world leader on energy. And we can do all that while reducing carbon emissions.

I hope my colleagues will come to embrace nuclear energy as the efficient green energy source that it is and that the U.S. Congress can work with the White House to improve America's standing as an energy juggernaut.

Thank you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

RODRIGUEZ V. PAN AMERICAN HEALTH ORGANIZATION

Mr. MENENDEZ. Mr. President, I rise today to express significant concern about the Biden administration's decision to file an amicus brief in the case of Ramona Matos Rodriguez v. Pan American Health Organization.

This case involves serious allegations that the Pan American Health Organization facilitated human trafficking and regrettably places the administration in a position in which it is undercutting efforts by the victims of the Cuban dictatorship's forced labor schemes.

Now, let me be clear, I am a strong advocate for the Pan American Health Organization and its mission strengthening health systems across Latin America and the Caribbean. Given the significant impact of COVID-19 on the region, PAHO's efforts are needed now more than ever, and I have fought to ensure that the Pan American Health Organization has the resources it needs to carry out its lifesaving work during the pandemic and throughout a good period of time of my congressional career. However, I also firmly believe that the Pan American Health Organization must be held accountable for its past transgressions, including the unacceptable role that it played facilitating a program that subjected more than 10,000 Cuban medical professionals to forced labor conditions in Brazil.

From 2013 to 2019, the Pan American Health Organization profited from its participation in Brazil's Mais Medicos Program, an initiative that allowed Cuba's dictatorship to earn income from trafficking doctors.

The Cuban regime's so-called foreign medical missions are nothing more than human trafficking. In November of 2019, the United Nation's Special Rapporteur on contemporary forms of slavery and the United Nation's Special Rapporteur on trafficking in persons raised concerns that the Cuban regime's trafficking of medical professionals constitutes forced labor and modern slavery.

In fact, the Department of State's last "Trafficking in Persons" report found the Cuban regime garnishes the wages of its medical professionals that serve overseas, surveils them, confiscates their passports so they can't